

SENATE BILL REPORT

SB 5803

As Reported By Senate Committee On:
State & Local Government, March 5, 2001

Title: An act relating to significant legislative rules.

Brief Description: Delaying the effect of significant legislative rules.

Sponsors: Senators Hale, Honeyford, McDonald, Oke, T. Sheldon, Hewitt, McCaslin, Hochstatter, Swecker, Parlette and Carlson.

Brief History:

Committee Activity: State & Local Government: 2/26/01, 3/5/01 [DPS, DNP].

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Majority Report: That Substitute Senate Bill No. 5803 be substituted therefor, and the substitute bill do pass.

Signed by Senators Patterson, Chair; Gardner, Hale, Haugen, McCaslin, Roach, T. Sheldon and Swecker.

Minority Report: Do not pass.

Signed by Senators Fairley, Vice Chair and Kline.

Staff: Diane Smith (786-7410)

Background: The Legislature requires some agencies to subject some rules that they propose for adoption, to an extensive analysis and justification procedure called significant legislative rule-making. A significant legislative rule is one that imposes a penalty; effects the qualifications for a license or permit; or significantly changes or makes a new policy or regulatory program.

Summary of Substitute Bill: Significant legislative rules of the Department of Ecology and the Department of Labor and Industries must be adopted before December 1 of any year and cannot take effect until after the end of the next regular legislative session.

Substitute Bill Compared to Original Bill: The substitute bill is limited to the significant legislative rules of the Department of Ecology and the Department of Labor and Industries. The original bill applied to all significant legislative rules.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill puts legislative accountability into rulemaking. The bill would not be difficult for agencies to comply with. It makes the rulemaking process more predictable because new rules would be effective at the same time as new laws.

Testimony Against: This would jeopardize federal funding received by the Department of Health. The Department of Fish and Wildlife must change its rules more frequently than once per year. Rulemaking is already too cumbersome and lengthy with all the requirements for public participation. For rules complying especially with the Endangered Species Act, time is of the essence.

Testified: Ron Weaver, Dept. of Health (con); Evan Jacoby, Fish and Wildlife (concerns); Ken Harden, DSHS (concerns); Bruce Wishart, People for Puget Sound (con); Gary Smith, IBA (pro); Willy O'Neil, ACC of WA (pro); Carolyn Logue, NFIB (pro); Amber Balch, AWB (pro); Jeff Johnson, WSLC, AFL-CIO (con).